

UNITED STATES OF AMERICA  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

JORDAN BLAIR, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 1:02-CV-88 CAS  
 )  
BOB WILLS, ET AL., )  
 )  
Defendants. )

TRANSCRIPT OF JURY TRIAL  
  
BEFORE THE HONORABLE CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

April 14, 2004  
Volume III

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I N D E X

INSTRUCTIONS TO THE JURY

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CLOSING ARGUMENTS

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1 (The following proceedings were held outside the  
2 hearing of the jury on April 14, 2004 at 9:12 a.m.:)

3 THE COURT: Good morning. Are you all satisfied  
4 with the instructions and verdict form?

5 MR. STILLEY: Yes, Your Honor, for the plaintiff.

6 THE COURT: Okay.

7 MR. OLIVER: Yes, sir. I hope we did it to your  
8 satisfaction.

9 THE COURT: It looks good to me. Fine.

10 Now, I'm inclined to read the instructions first.  
11 That's normally the state procedure. Many times in federal  
12 court the instructions are read last, but I'm inclined to go  
13 ahead and read these instructions in case you want to argue  
14 them or use them in some kind of way. So that's my  
15 inclination to read these first. Any objection to that?

16 MR. STILLEY: None, Your Honor.

17 MR. OLIVER: No, sir, I like it that way.

18 THE COURT: Yeah, I think it's better. If you so  
19 desire, you can argue what they are. Okay. Let's bring the  
20 jury out.

21 MR. OLIVER: Your Honor, I'd again ask, respectfully  
22 remind the Court that maybe the Court might say something to  
23 the jury about the absence of the Fair Labor Standard Act.  
24 I'm sure both of us will mention it, but they might believe  
25 it better from Your Honor.

1 THE COURT: Yes, I'll mention it.

2 (The following proceedings continued within the  
3 hearing of the jury:)

4 THE COURT: Good morning, ladies and gentlemen of  
5 the jury. We're now going to enter the instruction and  
6 closing argument phase of this case. And the Fair Labor  
7 Standards Act portion of the case has been resolved. So the  
8 only remaining issue will be the plaintiff's battery claim.  
9 And so that will be what will be addressed by counsel in  
10 their argument, and that will be the remaining issue for you  
11 to make a decision upon.

12 So the instructions: Ladies and gentlemen of the  
13 jury, the instructions that I gave at the beginning of the  
14 trial and during the trial remain in effect. I now give you  
15 additional instructions. Of course you must continue to  
16 follow the instructions which were given earlier as well as  
17 those that I give now. You must not single out some  
18 instructions and ignore others because all are equally  
19 important. This is true even though some of those I gave at  
20 the beginning of the trial or during the trial are not  
21 repeated here.

22 The instructions I'm giving you now are in writing  
23 and will be available to you in your jury room. I emphasize,  
24 however, that this does not mean that they are more important  
25 than the earlier instructions. And, again, all instructions

1 whenever given and whether in writing or not must be  
2 followed.

3 Neither in these instructions nor in any ruling,  
4 action, or remark that I have made during the course of this  
5 trial have I intended to give any opinion or suggestion as to  
6 what your verdict should be. That is entirely up to you. If  
7 I've occasionally made statements or asked questions, do not  
8 assume that because I made statements or asked questions that  
9 I hold any opinion on these matters. The answers to these  
10 questions or what your verdict should be.

11 In deciding what the facts are, you will have to  
12 decide what testimony you believe and what testimony you do  
13 not believe. You may believe all of what a witness has said,  
14 only part of it, or none of it. In deciding what testimony  
15 to believe, you may consider the witnesses' intelligence,  
16 their opportunity to have seen or heard the things testified  
17 about, the witness' memory, any motives the witness may have  
18 for testifying a certain way, the manner of the witness while  
19 testifying, whether the witness said something different at  
20 an earlier time, the reasonableness of the testimony, and the  
21 extent to which the testimony is consistent with any evidence  
22 that you believe.

23 In deciding whether or not to believe a witness,  
24 keep in mind that sometimes people hear and see things  
25 differently and sometimes forget things. You need to

1 consider, therefore, whether a contradiction is an innocent  
2 misrecollection or a lapse of memory or an intentional  
3 falsehood. And that may depend upon whether it has to do  
4 with an important fact or only a small detail.

5 In these instructions you're told that your verdict  
6 depends on whether you find certain facts have been proved.  
7 The burden of proving a fact is upon the party whose claim or  
8 defense depends upon that fact. The party who has the burden  
9 of proving a fact must prove it by the greater weight or  
10 preponderance of the evidence.

11 To prove something by the greater weight or  
12 preponderance of the evidence is to prove that it is more  
13 likely true than not true. It is determined by considering  
14 all of the evidence and deciding which evidence is more  
15 believable. If on any issue in the case the evidence is  
16 equally balanced, you cannot find that issue has been proved.  
17 The greater weight or preponderance of the evidence is not  
18 necessarily determined by the greater number of witnesses or  
19 exhibits a party has presented. You may have heard the term  
20 proof beyond a reasonable doubt. That is a stricter standard  
21 which applies in criminal cases. It does not apply in civil  
22 cases such as this. You should, therefore, put it out of  
23 your minds.

24 Your verdict must be for plaintiff if you believe:  
25 First -- and the only remaining defendant in this case is Bo

1       Gerhardt, so let me say that also. Your verdict must be for  
2       plaintiff if you believe defendant intentionally pushed  
3       plaintiff. And second, defendant thereby caused a contact  
4       with the plaintiff which was offensive to plaintiff. And  
5       third, such contact would be offensive to a reasonable  
6       person.

7               If you find in favor of Plaintiff Jordan Blair and  
8       against Defendant Bo Gerhardt, then you must award Jordan  
9       Blair such sum as you believe will fairly and justly  
10      compensate Jordan Blair for damage you believe Jordan Blair  
11      sustained as a direct result of the occurrences mentioned in  
12      the evidence.

13             In conducting your deliberations and returning a  
14      verdict, there's certain rules that you must follow. First,  
15      when you go to your jury room you must select one of your  
16      members to act as your foreperson. That person will preside  
17      over your discussions and speak for you here in court.

18             Second, it is your duty as jurors to discuss this  
19      case with one another in your jury room. You should try to  
20      reach agreement if you can do so without violence to  
21      individual judgment because your verdict must be unanimous.

22             Each of you must make your own conscientious  
23      decision, but only after you have considered all of the  
24      evidence, discussed it fully with your fellow jurors, and  
25      listened to the views of your fellow jurors. Do not be

1       afraid to change your opinions if the discussion persuades  
2       you that you should, but do not come to a decision simply  
3       because the other jurors think that it is right or simply to  
4       reach a verdict. Remember at all times that you are not  
5       partisans, you are judges, judges of the facts. Your sole  
6       interest is to seek the truth from the evidence in the case.

7               Third, if you need to communicate with me during  
8       your deliberations you may send a note to me through the  
9       marshal or bailiff signed by one or more of you jurors and  
10      I'll respond as soon as possible either in writing or orally  
11      here in open court.

12             Remember that you should not tell anyone including  
13      me how your votes stand numerically. Your verdict must be  
14      based solely on the evidence and the law which has been given  
15      in the instructions. Your verdict must be unanimous.  
16      Nothing that I have said or done is intended to suggest  
17      what your verdict should be. That is entirely up to you to  
18      decide.

19             Finally, the verdict form is the notice of the  
20      decision that you reach in the case. And you will take this  
21      verdict -- form of verdict with you to your jury room and  
22      when each of you have agreed upon a verdict, your foreperson  
23      will fill in the verdict form, sign it, and date it and  
24      advise the marshal or bailiff that you're ready to return to  
25      the courtroom. And you will return these -- these to the



1 courtroom with any instructions or other materials that you  
2 may have.

3 We're now going to commence with the closing  
4 arguments. Okay. Mr. Stilley, you ready?

5 MR. STILLEY: Thank you, Judge. May it please the  
6 Court, counsel, ladies and gentlemen of the jury. Thank you  
7 very much for your patience and kind attention in this case.  
8 I know this has taken a little bit longer than you might  
9 expect for something of this nature. At this point in time  
10 the only surviving claim for your consideration turns on the  
11 credibility of witnesses.

12 We've got the defendant, Bo Gerhardt, saying that he  
13 did not commit any battery. And we've got another defendant,  
14 Drew Parrish, who says I was there and I didn't see it  
15 happen. And we've got the plaintiff saying this happened to  
16 me.

17 Let's think about this. The plaintiff stated that  
18 he was slammed up against a sink and it hurt overnight. He  
19 didn't say it injured my back and I was hurt for a long time.  
20 He didn't make a big story. He didn't say that anybody else  
21 hit him. If somebody was going to lie, would they make a lie  
22 of that nature with that sort of a story? This story has all  
23 the earmarks of the truth.

24 As a matter of fact, in order to explain, even to  
25 try to let you understand why did he ask for compensation for

1 that, I allowed him to explain what's the difference between  
2 this hit and a hit that you take on the football field. He  
3 didn't tell you, well, that was a lot harder than any of the  
4 hits I took on the football field. He said on the football  
5 field there are rules. And basically -- he didn't say all  
6 this, but basically what he's saying is I know what causes  
7 you to get hit. I know how you keep from getting hit. At  
8 Mountain Park concerning this incident of battery, I didn't  
9 know what caused me to get hit, and I didn't have any way to  
10 understand the rules.

11 The defendants themselves say we give the parents a  
12 student handbook to the parents. We don't give it to the  
13 students.

14 And now, as far as physical injury, what he said was  
15 it hurt overnight. That's all he said. He said as far as  
16 mental and emotional distress, what that caused him to do was  
17 be fearful of anything he did because he didn't know what  
18 would cause further injury to him.

19 And I'd respectfully submit to you that on the basis  
20 of this when you consider these competing stories that you  
21 should give credit to Jordan Blair's story and award him as  
22 the Court said fair and just compensation. And I'm willing  
23 and more than happy to leave that to you to let you decide  
24 what is the sense of this community as to what is fair and  
25 just compensation for an injury of this nature. Thank you so

1 much for your time.

2 MR. OLIVER: May it please the Court.

3 THE COURT: Mr. Oliver.

4 MR. OLIVER: Ladies and gentlemen, Mr. Stilley,  
5 Mr. Blair. The last three days the eight of you have had an  
6 opportunity to participate in something that's unique to the  
7 United States, and that's our jury system. This the only  
8 country in the world that it had enough sense to entrust  
9 decision making to our citizens. We have an opportunity,  
10 small opportunities to participate in our democracy. We have  
11 an opportunity to vote. We have an opportunity from time to  
12 time to serve in the armed forces. We have numerous  
13 charitable opportunities.

14 One of the opportunities that we forget about  
15 because it's an inconvenience is jury duty. In our system,  
16 it's a system that has lasted for over 200 years, takes good  
17 citizens who by reason of their background, education, and  
18 experience bring a wealth of knowledge and we let those  
19 people, you, decide disputes.

20 You know, they used to do this in England, each side  
21 would go out and hire a champion and the person that had the  
22 most resources, the fanciest tools, they would hire the  
23 biggest champion and get on the biggest horse, and if the  
24 defendants didn't have or the defendant didn't have that kind  
25 of money or that big horse, you know, you've all seen the

1 Prince Valient movies, that's really how they did it, each  
2 champion galloped down the road on the horse, and the biggest  
3 and strongest always won. That didn't always produce the  
4 right result.

5 So we have a jury system, and we believe in that  
6 system. And that's why we're here because we trust you to  
7 hear the evidence and to do what the judge has indicated is  
8 your duty, and that's to decide the facts based on what he  
9 has told you the law is.

10 Bo in particular is grateful for your service. I'm  
11 grateful for your service. I'm an officer of the court.  
12 Without you we don't function. Without you we are not a  
13 democracy. We appreciate your time.

14 I also understand in this case some of the  
15 difficulty you've had because you heard two days and all this  
16 stuff about Fair Labor Standards Act, which is now not for  
17 your decision. The judge has decided that as a matter of  
18 law. So the only thing that that evidence matters to you is  
19 as it relates to the credibility of the witnesses,  
20 particularly Drew Parrish and Bo as relates to what actually  
21 happened on October the 24th. And then the rest of the  
22 reasons as it bears on who was telling the truth and why.

23 You know, this lawsuit started a long time before we  
24 got here today, before you were sworn in on Monday. Mountain  
25 Park, which employs Bo, takes troubled youth, troubled youth.

1 We have a form that indicates for every potential applicant  
2 what their problems are. We ask a series of things, what are  
3 their behavior problems, drug or alcohol, sexual activity,  
4 runaway, wrong friends, failing school, rebellion,  
5 disrespect, out of control behavior disorders.

6 Now, what Jordan's problems were are not part of  
7 this case. What Jordan's problems are are not part of the  
8 case. But when his parents in the exercise of their parental  
9 judgment got worried enough to turn to the institution of  
10 last resort starting in October 19th of 2000, it was because  
11 Jordan was troubled. It was -- it was because Jordan was in  
12 difficulty in a residential placement facility. It was the  
13 last resort.

14 And when his parents came on October the 20th and  
15 enrolled him, it was because of that. They are the ones that  
16 were trying to live with him and could not. And on October  
17 the 24th he came to Mountain Park, what his parents thought  
18 would be his choice. And how did he describe that he came?  
19 He came in handcuffs, not handcuffs that we put on, not  
20 handcuffs his parents put on.

21 Yet when he came he was greeted by Drew, Drew  
22 Parrish, who remembers it because of that. He's greeted by  
23 Drew on the 24th. Who is Drew Parrish? Drew Parrish is a  
24 product of Mountain Park. Three years there, junior staff,  
25 staff, is no longer employed. He's pursuing his education at

1 Crown Bible College. Where is Crown College? Knoxville,  
2 Tennessee. He drove from Knoxville, Tennessee to here  
3 yesterday when Jordan identified him as a witness. Why did  
4 he drive all the way across the state of Tennessee in to  
5 Missouri? Well, one time he was a defendant in this case but  
6 not in the battery part. But he came from bible college here  
7 so that the eight of you would know the truth, so that the  
8 eight of you would know what happened.

9 So what did happen? Jordan comes in handcuffs just  
10 like we told you. The handcuffs were removed. Jordan and  
11 Matt Elmore -- Drew and Matt Elmore then take Jordan into the  
12 dorm and downstairs and sit him on the couch. Matt Elmore,  
13 former student. You've heard from former students. Where is  
14 Matt Elmore? If this was true, if Matt Elmore witnessed  
15 this, don't you think that they would have Matt Elmore  
16 sitting out there and you would have heard from Matt Elmore?  
17 Don't know. You didn't.

18 So they take him downstairs. They sit him on the  
19 couch. Talk to him, start explaining things to him. Bo  
20 comes in. That's part of his job. He comes in. He talks to  
21 them. And what happens at that point in time? The boy is  
22 like every other young man who comes, given soap and a towel  
23 and told to go take a shower. That's the way you start.  
24 Object No. 1, take a shower. That's the first step.

25 And Mr. Stilley and Mr. Blair between the two of

1       them, they can't even get straight what their story is.  
2       You'll recall, I wrote it down. Mr. Stilley told you in  
3       opening statement that Bo slammed him. Jordan wasn't willing  
4       to go quite that far, so Jordan had him shoved. Mr. Stilley  
5       wants to make it a slam again this morning. Pejorative  
6       adjectives, attack words. Attack words like indoctrination.

7               So what happened? Bo -- did Bo -- did Bo push and  
8       shove him, offensively touch him? You notice the instruction  
9       they submitted says offensive touching. It did not happen.  
10      And why do I know it did not happen? It did not happen  
11      because Bo said it didn't happen. And Drew Parrish drove  
12      here from bible college to tell you that it didn't happen.  
13      And what did Drew Parrish tell you, if he saw it, he would  
14      have reported it. Why? Because they believe.

15             Know the truth and the truth will set you free.  
16      They believe. This is a fundamental independent Baptist  
17      institution. They believe. They operate to save children  
18      based on this belief. And they don't need to make things up.  
19      If Bo makes a mistake, Drew would have corrected him by  
20      reporting it. It didn't happen.

21             The judge has told you in Instruction No. 3 that  
22      you're the sole judge of the credibility of the witnesses.  
23      And you need to ask yourself or you will ask yourself why  
24      would this young man and his attorney if they can get their  
25      stories straight about what happened, why did they say, why

1 did they do? Well, let's just look at motives. What's the  
2 root of all evil. Money is the root of all evil. The love  
3 of money is the root of all evil. Money is an obvious  
4 objective. Why would you say something to get money? Is  
5 that the real reason? I sort of doubt it. I sort of doubt  
6 it. What kind of person has a lawyer that stands up in  
7 opening statement and starts out by saying this is not a case  
8 about religion, I'm a Baptist, Bo -- Jordan is a Baptist, and  
9 he's a born again Christian, and then has his client get on  
10 the stand and say he's nondenominational, and having said  
11 that he's nondenominational calls church indoctrination.  
12 Think about that for a minute. Church in this courtroom is  
13 indoctrination. It's important.

14 But why do you have a slick political correctness  
15 type of attack where teaching religion and exposing a child  
16 to the wishes of their parents becomes indoctrination? When  
17 you have those kind of things, you have those kind of things  
18 when you want to get, even when you want to retaliate against  
19 somebody. Why would you want to retaliate? Well, let's  
20 think about this for a minute. Jordan's parents put him  
21 there. He didn't want to be there. They put him from  
22 whatever troubled environment he was in into a rigid  
23 environment, a strict environment. Rule No. 1, get up; Rule  
24 No. 2, brush your teeth; Rule No. 3, clean yourself; Rule  
25 No. 4, make your bed; Rule No. 5, clean up after yourself.



1 All the things that all of us that have children wish our own  
2 kids did.

3 But from a troubled structure to a rigid, one, two,  
4 three, four, five, a rigid structure. He doesn't want to be  
5 there. He resents his parents. He resents the situation.  
6 He resents the discipline. He resents the structure. Why  
7 does he pick on Bo? Why does he pick on Bo? Well, I want to  
8 suggest why he picks on Bo. Because Bo didn't touch him. Bo  
9 didn't slam him. Bo didn't shove him. Bo didn't push him.  
10 What did Bo do that leads to this lawsuit? What Bo did was  
11 administer the diagnostic test.

12 You remember Brother Sam explained that and Bo  
13 explained and Brother O'Brient explained that when you have  
14 your academics, that what you do is they give you a  
15 diagnostic test to see where your level is, and then they  
16 start you at that level. Well, according to Bo after his  
17 diagnostic test he had to start out at the fifth grade level.  
18 When he got around to writing his parents, it was the 11th  
19 grade and repeat his junior year.

20 But ladies and gentlemen, you know what stuck in  
21 this young man's crawl, what stuck in this young man's crawl  
22 and why we're really here today besides all these collateral  
23 motivations, the money, the structure, the rebellion, the  
24 handcuffs, besides all those things, you know why we're here  
25 today? Because he had to do remedial work as a result of the

1 test that Bo Gerhardt administered.

2 And that's eating at this guy. It's in his letters.  
3 Twenty-eight letters. I can't graduate this year. I'm not  
4 going to be able to go to graduation. I have to repeat the  
5 11th grade. Fifth grade remedial work. He took the test, he  
6 didn't do well. Bo administered the test. It's the only  
7 explanation that I can think of.

8 THE COURT: Two minutes, Counsel.

9 MR. OLIVER: Thank you, Your Honor.

10 Ladies and gentlemen, you and you alone are the  
11 judge of credibility of these witnesses. Bo and Drew  
12 Parrish, the two witnesses that were identified by the  
13 plaintiff have told you the truth so help them God, the truth  
14 that they live and believe every day. They live their lives  
15 based on that truth. They did not, Bo Gerhardt did not push,  
16 shove, or offensively touch Jordan Blair on the 24th day of  
17 October 2001. This boy came a troubled boy in handcuffs. A  
18 troubled boy who had to have remedial education. A troubled  
19 boy who blames Bo Gerhardt for what his problems were.

20 When you go back into to the privacy of your jury  
21 room and deliberate, please, when you fill the verdict out,  
22 know the truth, and the truth is that your verdict must be  
23 for Bo Gerhardt because this battery did not happen. It  
24 didn't happen. They can't even describe it the same way.  
25 There is no indoctrination. There's no push. There's no

1 shove. There's only right truth and truth. And the truth  
2 is, the truth is like Drew Parrish told you and more  
3 importantly like Bo told you, this did not happen.

4 And we trust your judgment. We trust the oath that  
5 you took. And we know that after your deliberation you will  
6 do the right thing and return a verdict for Bo Gerhardt.

7 Thank you.

8 MR. STILLEY: Ladies and gentlemen, let me say this:  
9 Even not saying anything about Jordan Blair, if any person  
10 goes to jail, they are entitled to a copy of the rules. They  
11 are entitled to know what gets you in trouble and what  
12 doesn't. Even if you go to jail, you're still entitled to  
13 the sanctity of your person. A jailer can't shove you or  
14 push or however they want to say it or hit you without cause.  
15 That is a violation of civil rights. It's not tolerated in  
16 our society.

17 And there's a suggestion that, well, Drew Parrish  
18 was just identified here recently, so we had to call him from  
19 outside to come here. Well, he was identified as a  
20 defendant. There were depositions done in which the  
21 witnesses to this incident were identified. Surely they  
22 can't realistically say this came as a surprise to them.  
23 They knew about it.

24 There's a suggestion that this -- it's just about  
25 greed, this is about money. No, this is not about greed,

1 this is not about money. If Mr. Blair doesn't get \$2 for  
2 Tylenol or \$200,000, he was wronged. He doesn't like that.  
3 He doesn't think that's supposed to happen in our society,  
4 and he wants some accountability. He wants a judgment that  
5 that is wrong, that that is offensive contact. It's not  
6 tolerated in our society. And the amount of damages,  
7 whatever it is, that you find justly and reasonably  
8 compensates him for that wrong that he's suffered.

9 I don't recall saying that he was Baptist. I recall  
10 saying that he was a person of faith. And let me show you.  
11 You've got a number of letters here, and I'm sure you all  
12 know that when a person writes a number of letters or a great  
13 deal of handwriting of any sort, they reveal a little bit  
14 about themselves in more ways than one. And you can take a  
15 look at these. But if you need to take a look, those will  
16 tell you a lot about the story. You can learn about this if  
17 you come to a situation where you need to find things out  
18 because they're admitted into evidence, they are evidence in  
19 this case.

20 Exhibit 20 is an example of why the plaintiff would  
21 say that he was indoctrinated rather than provided the  
22 religious training that he expected. What did he say? He  
23 said, here are a few things I've learned, speaking in tongues  
24 is false doctrine. The Christian music I listen to is  
25 wicked. Our church is wicked. The music you sing is wicked.

1 Instruments they use are wicked. Drums, electric guitar is  
2 wicked, and the way they sing is wrong.

3 Now, does that sound like somebody that is just  
4 satisfied? Okay. I'm a Baptist, and I'm just going to do  
5 things -- well, just making a complaint lately, Johnnie come  
6 lately complaint about what's going on. Of course not. He  
7 complained to his parents. He told them what they were  
8 saying. And you can see on the back side of the letter that  
9 Bo Gerhardt says, "Call and I can help you respond." So the  
10 defendants can't say they didn't know about this. They did  
11 know about this. And when you look at the bottom, they want  
12 to make out that this person is not a Christian, is an  
13 unbeliever or something like that. Let's look what he asked  
14 for along with work boots. I need a pocket bible.

15 THE COURT: One minute, Counsel.

16 MR. STILLEY: Thank you, Judge. A person who was  
17 had no belief in Christian religion would not be asking for a  
18 bible. And as to the idea about this, the educational parts,  
19 you know, there's some things that are out of this case, but  
20 once again if you need to see what he said about his  
21 educational requirements, look in the letter or you can  
22 recall what he said from the stand about having completed the  
23 requirements of graduation.

24 Thank you very much for your attention.

25 THE COURT: Michelle, will you take the jury to a

1 safe and secure place so they may commence their  
2 deliberations. Here are the last instructions and the  
3 verdict form.

4 (Jury sent to deliberate at 9:43 a.m.)

5 (The following proceedings were held at 11 a.m.)

6 THE COURT: Good morning again, ladies and gentlemen  
7 of the jury. I understand you all have reached a verdict.  
8 Is that correct?

9 JUROR SWINEY: Yes.

10 THE COURT: Clerk, publish the verdict, please.

11 THE CLERK: On Plaintiff Jordan Blair's claims  
12 against Defendant Bo Gerhardt as submitted in Instruction  
13 No. 5, we find in favor of Jordan Blair. We find the  
14 Plaintiff Jordan Blair's damages to be \$20,000. Signed by  
15 the foreperson this 14th day of April 2004.

16 Ladies and gentlemen of the jury, is the verdict I  
17 have just read your true and correct verdict?

18 THE JURORS: Yes.

19 THE COURT: Does either party wish to have the jury  
20 further polled or individually polled?

21 MR. OLIVER: No, sir.

22 MR. STILLEY: No, Your Honor.

23 THE COURT: Very well. Ladies and gentlemen of the  
24 jury, I want to thank you for your time, attention, and  
25 service. It's not an easy job being a juror. The admonition

1 is lifted. You can discuss this case as fully and freely  
2 with anyone you choose.

3 We do have a rule within this federal court system,  
4 the lawyers cannot inquire of you. If you want to talk to  
5 them, that's up to you. You can talk to anyone you choose  
6 about this case.

7 So thank you so much for your service. You're  
8 excused.

9 (Jury dismissed.)

10 THE COURT: Anything else?

11 MR. STILLEY: No, Your Honor.

12 THE COURT: Thank you all so much.

13 (Court in recess at 11:03 a.m.)  
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## C E R T I F I C A T E

I, Susan R. Moran, Registered Merit Reporter, in and for the United States District Court for the Eastern District of Missouri, do hereby certify that I was present at and reported in machine shorthand the proceedings in the above-mentioned court; and that the foregoing transcript is a true, correct, and complete transcript of my stenographic notes.

I further certify that I am not attorney for, nor employed by, nor related to any of the parties or attorneys in this action, nor financially interested in the action.

I further certify that this transcript contains pages 1 - 24 and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

IN WITNESS WHEREOF, I have hereunto set my hand at St. Louis, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
/s/ Susan R. Moran  
Registered Merit Reporter